

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Nicholas T. Stroeder,

Civ. No. 10-4115 (PAM/JJK)

Plaintiff,

v.

**ORDER**

Greg Smith and Scott Yozamp,

Defendants.

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This matter is before the Court on the Report and Recommendation (“R&R”) of Magistrate Judge Jeffrey J. Keyes dated December 1, 2011. In the R&R, Magistrate Judge Keyes recommends that Defendants’ motion to dismiss be denied, but that their motion for a more definite statement be granted. (Docket No. 30.) Plaintiff filed objections to the R&R and simultaneously filed an Amended Complaint. (Docket Nos. 31, 32.) The newly filed complaint is in fact Plaintiff’s third amended complaint. (See Docket Nos. 1, 14, and 17.)

According to statute, the Court must conduct a de novo review of any portion of the Magistrate Judge’s opinion to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). Based on that de novo review, the Court denies Plaintiff’s objections as moot and adopts the R&R.

In his objections to the R&R, Plaintiff requests leave to file another complaint. But the R&R specifically allows Plaintiff to file an amended complaint, and Plaintiff has done so. As such, Plaintiff's objections are moot.<sup>1</sup>

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 30) is **ADOPTED**;
2. Defendants' Motion to Dismiss (Docket No. 22) is **DENIED** without prejudice;
3. Defendant's Motion for a More Definite Statement (Docket No. 22) is **GRANTED**; and
4. Plaintiff's (Third) Amended Complaint (Docket No. 31) is deemed to be the more definite statement ordered by the R&R.

Dated: January 5, 2012

*s/ Paul A. Magnuson*

Paul A. Magnuson  
United States District Court Judge

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<sup>1</sup> Plaintiff also objects to the R&R insofar as it does not rule on previous motions filed by Plaintiff in this case. The Court directs Plaintiff to Docket No. 29 for the rulings on those motions.